

*United States Court of Appeals
for the Second Circuit*



APPELLEE'S BRIEF

74-1305

To be argued by
HAROLD J. PICKENSTAIN

**United States Court of Appeals
FOR THE SECOND CIRCUIT
Docket No. 74-1305**

UNITED STATES OF AMERICA,

Appellee,

SOGAARD NORMAN STRANDHOLT,

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

BRIEF FOR THE APPELLEE

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**United States Court of Appeals
FOR THE SECOND CIRCUIT**

Docket No. 74-1305

UNITED STATES OF AMERICA,

Appellee,

—v.—

SOGAARD NORMAN STRANDHOLT,

Appellant.

BRIEF FOR THE APPELLEE

Statement of the Case

On May 5, 1973, a federal Grand Jury handed down a three-count indictment, charging the defendant with (1) obstruction of interstate commerce by extortion in violation of 18 U.S.C. § 1951; (2) use of the United States Postal Service to transmit a letter containing a threat to injure the president and legal counsel of the United Aircraft Corporation, and their respective families, in violation of 18 U.S.C. § 876; and (3) use of the Postal Service to transmit a letter containing a threat to injure the reputation of United Aircraft in violation of 18 U.S.C. § 876.

Defendant entered a plea of not guilty to each count. On October 17, 1973, a jury trial commenced before the Honorable T. Emmet Clarke. After approximately three hours' deliberation on the following day, the jury returned a verdict of guilty on Counts Two and Three, and not guilty on Count One. On February 25, 1974, defendant was

sentenced to a three-year term of imprisonment on Count Two, execution of which was suspended after six months. Imposition of sentence on Count Three was suspended and the defendant was given a two-year term of probation, on the condition that he receive psychiatric treatment.

Shortly, thereafter, defendant filed notice of this appeal, which challenges on two closely-related grounds portions of the trial courts' charge to the jury.

Statutes Involved

United States Code, Title 18

§ 876 *Mailing threatening communications.*

Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service or knowingly causes to be delivered by the Postal Service according to the direction thereon, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

Whoever, with intent to extort from any person any money or other thing of value, so deposits, or causes to be delivered, as aforesaid, any communication containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than \$5,000 or imprisoned not more than twenty, or both.

Whoever knowingly so deposits or causes to be delivered as aforesaid, any communications with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any per-

son or any threat to injure the person of the addressee or of another, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits or causes to be delivered, as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined not more than \$500 or imprisoned not more than two years, or both.

United States Code, Title 18

*§ 1951 Interference with commerce by threats
or violence.*

(a) Whoever in any way or degree obstructs, delays or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

Questions Presented

(1) Did the trial court err in refusing affirmatively to instruct the jury that it could reject the court's instructions and acquit the defendant despite evidence establishing his guilt?

(2) Did the trial court err in instructing the jury that they were duty bound to apply the law, as stated in the court's instructions, to the facts as the jury found them?

The Facts

In early 1966, the defendant Strandholt accepted employment as quality control manager and chief inspector at Heliparts, Inc., a Bridgeport, Connecticut, firm engaged in the manufacture of precision parts for helicopters (Tr. 167-169).* Shortly thereafter, defendant became aware of certain improper, fraudulent, and illegal practices allegedly being perpetrated by Heliparts against both the government and the Sikorsky Helicopter Corp., a competitor of Heliparts and a division of the United Aircraft Corporation (Tr. 170, 191, 195).

These fraudulent practices allegedly included the unauthorized use of Sikorsky inspection stamps (Tr. 173-174); the bribery of Sikorsky warehouse employees in return for their unauthorized sale of Sikorsky parts to Heliparts (Tr. 185); the purchase of defective parts scheduled for destruction, and their refurbishment and sale by Heliparts, after supplying them with "phony" inspection certificates (Tr. 186-187); the unauthorized microfilming of stolen Sikorsky blueprints of untested, experimental parts (Tr. 182); the salvage of parts from airplane crashes, and Heliparts' subsequent resale of those parts back to the government as new (Tr. 192).

Although the defendant admittedly participated in the unsavory practices carried on at Heliparts (Tr. 174, 182, 233), he testified at trial that he did so only because he believed that both Sikorsky and United Aircraft, as well as the government, were aware of Heliparts' practices and would not permit its defective products to be used in aircraft upon which human lives depended. Defendant held this belief because, as he testified at trial, he had provided detailed information of Heliparts' wrongdoings to one

* References marked "(Tr.)" refer to the transcript of proceedings in the trial court.

George Cleveland, a security officer at Sikorsky, who, in response to defendant's request that the government be informed of Heliparts' fraudulent activities, assured him that "this would be taken care of" (Tr. 174-179). Defendant's last contact with Cleveland, who died prior to the indictment in this case, occurred in September or October of 1966 (Tr. 207), shortly after the defendant left his position at Heliparts in the summer of that year (Tr. 205).

During the six-year period between 1966 and 1972, the defendant made no attempt whatever to expose the fraudulent practices which allegedly occurred at Heliparts (Tr. 237). In November of 1972, however, defendant read in a local newspaper that United Aircraft had commenced a one-million dollar damage suit against Heliparts (Tr. 208). Shortly after reading that article, defendant telephoned Theodore Chambers, a staff lawyer for United Aircraft, inquiring as to whether United Aircraft had read the reports which the defendant had given to George Cleveland back in 1966 (Tr. 209-210). Chambers was not aware of the information the defendant had provided (Tr. 210).

As a result of this conversation, a meeting was arranged between the defendant, Chambers, and Irwin Baldwin, United Aircraft's chief counsel, for November 21, 1972. At that meeting the defendant offered to assist United Aircraft in its suit against Heliparts and requested compensation in return for the information he had provided six years earlier (Tr. 110). When he was informed that he could not be compensated, defendant became "brusque," "aggressive," and "very forceful" (Tr. 111). He demanded that he be given \$10,000 per year for each of the six years between 1966 and 1972, and a 15 year employment contract for himself and a co-worker, who had worked with him at Heliparts, at \$15,000 per year, plus benefits (Tr. 111). The defendant also demanded an answer to his ultimatum "by the following morning, or he would pursue another course. . ." (Tr. 111). This demand was flatly rejected (Tr. 112).

Contrary to the impression that one gets from the defendant's statement of facts, Sogaard Norman Strandholt was not prosecuted for his participation in Heliparts' allegedly criminal deception of the government. Nor was the criminal process invoked against him because of his request for compensation from United Aircraft. Rather, the defendant Strandholt was indicted, tried, and convicted as a result of four extortion letters which he wrote and dispatched through the United States Mails in April of 1973. Those letters, written in disguised penmanship and signed "Achilles," were introduced at trial as Government Exhibits Nos. 2, 4, 6, and 8 and are reprinted in the government's appendix (a-1-a-4). Although these letters formed the basis of the government's case, defendant's statement of the "facts" avoids detailed reference to their nature and content. Defendant merely states that, at trial, he "did not seriously contest the authorship of the letters in question or the material allegations of the indictment" (Brief of Defendant-Appellant at 16).

The first of these letters, received by Irwin Baldwin on April 3, 1973, demanded \$150,000, threatened "retaliation" against several United Aircraft personnel and their families, and arranged for the placing of an advertisement in the classified section of the New Haven Register as a way of informing "Achilles" that his demand would be met (a-1). The instructions set forth in this letter were followed (Tr. 11), but no further contact was made by "Achilles" until April 9, 1973.

On that date, Baldwin received the second communication from "Achilles." That letter again demanded \$150,000, and provided detailed instructions for the dropping-off of the money "in 10's & 20's in a plain canvas bag." It specifically stated that "Achilles" did not want the "f(ed)s" or any other law enforcement agency "involved" (a-2). The instructions contained in that letter were also carried out. But, again, "Achilles" failed to provide further instruc-

tions or otherwise make contact with his victims until April 12, 1973, when his next letter arrived at United Aircraft (Tr. 15-16).

The third letter contained a map and specific directions to Theodore Chambers to drop off the demanded money on Saturday, April 14, 1973, at 10:00 A.M., near a fence located in the rear of a parking lot adjacent to the Holiday Inn in Bridgeport, Connecticut (a-3). Chambers arrived at the appointed time and place, depositing the bag as directed. Once again, however, "Achilles" failed to appear (Tr. 22-23).

The final extortion letter arrived at United Aircraft on April 16, 1973. That letter chastized Baldwin for having tried to trick "Achilles," demanded that an additional \$50,000 be added to the amount originally asked, and arranged for the placing of still another advertisement in the New Haven Register as a means of signifying Baldwin's willingness to meet the new demand. This letter also directed Baldwin to a telephone booth where he was to await further directions at 8:30 P.M. on April 19, 1973 (a-4). Baldwin followed the directions set forth in the letter and was, finally, telephonically contacted by an individual identifying himself as "Achilles" (Tr. 26-27).

"Achilles" directed Baldwin to drive a westerly direction on the Connecticut Turnpike toward New York, to take the first exit, and then re-enter the Turnpike in an easterly direction toward Hartford. Once headed in that direction, Baldwin was instructed to take the Park Avenue Exit, and then proceed 1.3 miles in a southerly direction, where he would find a stone wall to the righthand side of the road. Baldwin was directed to place the bag, containing \$200,000 in unmarked currency, behind that wall and then to depart the area immediately (Tr. 28).

At approximately 8:40 P.M., F.B.I. Agent Raymond Connally observed a 1965 Plymouth, bearing Connecticut registration LY5326, drive past the drop site and enter the Trumbull Shopping Plaza, where it made "numerous passes up and down various aisles" (Tr. 149). That vehicle, which was registered to Sogaard N. Strandhold (Tr. 95), was also seen in the same area on April 10, 1973, by F.B.I. Agent Steven Scheiner (Tr. 97). As a result, the defendant was arrested (Tr. 149).

During a statement given immediately after his arrest, defendant reiterated all that had allegedly transpired at Heliparts in 1966, explaining that he merely wanted to "shake-up" United Aircraft and felt that he owed this country something after his dishonorable discharge from the Navy (Tr. 156). He further explained that he picked the Holiday Inn at Bridgeport as a drop-off site because he knew that it was right next to the F.B.I. office, and wanted to make it "easy" for them to catch him (Tr. 156-157). He also, of course, apologized for the fear and anxiety he may have caused Irwin Baldwin and Theodore Chambers (Tr. 156), both of whom were deeply concerned for their own safety and that of their families (Tr. 9-10, 114).

Defendant's trial defense was "lack of criminal intent" (Tr. 36). The defense maintained, in effect, that despite his frequently-mailed demands for money, his use of distinguished handwriting, his use of gloves to avoid leaving fingerprints on the letters, which he signed "Achilles" (Tr. 158), and his resort to classified newspaper advertisements, pre-arranged telephone signals at public pay phones, and circuitous directions, obviously designed to prevent Baldwin's automobile from being followed to the ultimate drop-off site, Sogaard Norman Strandhold really intended to get arrested all along (Tr. 37).

Despite the government's objections that the defendant was attempting to "try the suit between Heliparts and Sikorsky" (Tr. 37), and "inflame the jury" against United Aircraft by showing that they wrongfully failed to follow up the data on Heliparts, which had been supplied in 1961 (Tr. 66-67), the trial court patiently and generously accorded the defendant great leeway in presenting his defense. As it turned out, the evidence which the defense was able to muster bore not on the defendant's intent, but upon the activities of Heliparts and United Aircraft, neither of which were on trial. By seeking to indict these two corporations, the defendant sought to justify his own wrongdoing.

In line with this theory, defendant requested a jury nullification charge. Upon conclusion of the trial court's instructions, the defendant expressed satisfaction with the charge (Tr. 263), except for: (1) the failure of the trial court affirmatively to charge that the jury had the "subjective and sovereign power to reject instructions on the law and to acquit the defendant despite evidence establishing guilt"; and (2) the following affirmative instruction of the court:

"Regardless of any opinion you may have, as to what you think the law ought to be, it would be a violation of your sworn duty to base a verdict upon any other view of the law than that given in the instructions of the Court" (Tr. 243-244).

ARGUMENT**I.**

The trial court did not err in refusing to instruct the jury that it could reject the court's instructions and acquit the defendant despite evidence establishing his guilt.

The trial court's rejection of defendant's requested charge was wholly proper. Irrespective of what the law may have been in the early history of the American Colonies and shortly after the Revolutionary War, ever since *Sparf and Hansen v. United States*, 156 U.S. 51 (1895), it has been settled that "it is the duty of juries in criminal cases to take the law from the court, and apply that law to the facts as they find them to be from the evidence." *Id.*, at 102. While some lower courts have occasionally questioned the wisdom of the *Sparf and Hansen* holding in contexts different from that presently before this Court, see e.g., *United States ex rel. McCann v. Adams*, 126 F.2d 774, 775-776 (2d Cir. 1942), *Sparf and Hansen* has been recognized in this Circuit as the "decisive opinion as to current federal practice." *Skidmore v. Baltimore & O.R. Co.*, 167 F.2d 54, 57, n. 9 (2d Cir.), cert. denied, 335 U.S. 816 (1948).

Except for defendant's general analysis of the substantial body of appellate authority which is contrary to his present position, and his reliance on Note, *Toward Principles of Jury Equity*, 83 Yale L.J. 1023 (April 1974), his argument is essentially identical to that raised, and rejected, in *United States v. Moylan*, 417 F.2d 1002 (4th Cir. 1969); *United States v. Boardman*, 419 F.2d 110 (1st Cir. 1969), cert. denied, 397 U.S. 991 (1976); *United States v. Simpson*, 460 F.2d 515 (9th Cir. 1972); and *United States v. Dougherty*, 473 F.2d 1113 (D.C. Cir. 1972).

The Court in *United States v. Simpson, supra*, synthesized the argument as follows:

"The basis of this argument is the suggestion now gaining some currency, *see., e.g.*, Schefflin, *Jury Nullification: The Right to Say No*, 45 So. Cal. L. Rev. 168 (1971); Sax, *Rex v. Dean of St. Asaph's Conscience and Anarchy: The Prosecution of War Resisters*, 57 Yale Review 481 (1968) that juries should be given more freedom to grant acquittals against the law. It is argued that this freedom—which is assertedly necessary to a jury's proper functioning in our constitutional democracy—is attained by advising jurors of their 'power to bring in a verdict in the teeth of both law and facts.' *Horning v. District of Columbia*, 245 U.S. 135, 138, 41 S. Ct. 53, 54, 65 L. Ed. 185, 187 (1920)." *Id.*, at 519.

Reduced to simplest form, defendant's contention is that the respective Courts of Appeals in *Moylan, supra*; *Boardman, supra*; *Simpson, supra*; and *Dougherty, supra*, unthinkingly relied on the incantation "jury anarchy" due to: (1) an ill-founded fear that juries would "run wild" if given a nullification charge, and (2) "an undemocratic belief that the people are not to be trusted" (Brief of Defendant-Appellant at 30-31). A fair reading of those decisions, however, indicates that this is simply not so.

In considering the argument now before this Court, the Court in *United States v. Simpson, supra*, framed the issue as being whether justice would be better served by institutionalizing a jury's nullification power into an affirmative charge. Relying on the perceptive comments of Justice Fortas and Judge Rifkind, it resolved that issue in the government's favor. At the very least, those observations indicate concern on the part of the Court as to the effect which such a practice would have upon the certainty of the criminal process.

"Mr. Justice Fortas emphasized that a contention, such as Simpson's, 'is an attack upon law itself. In effect, it is an assertion of the right of the individual to determine for himself what the standards of his conduct shall be. What is being proposed is not merely that jurors should be given the power to determine what is the law, but that they should be instructed that they may acquit a defendant even though they believe that he did something the law forbids. This goes to the heart of our society because it says that this shall not be a society in which there are general rules of law which apply to everybody and to which everybody is accountable.'"

In a similar vein, Judge Rifkind has remarked:

"[I am asked] why, if I am in favor of some kind of departures by the jury, I am afraid to make that universal. The answer is that one can have a fine musical composition made up of a theme with variations, but if you had a composition made up entirely of variations you would have discord. [This] proposal would create a law-less society, not a lawless society, but a law-less society, a society without law, without regulations. That is a monstrosity. No such society has ever existed or ever will exist." *Id.*, at 519-520 (footnotes omitted).

That this same concern was shared by the Court in *United States v. Moylan*, *supra*, 417 F.2d at 1006-1007, is evident from its reliance on *Sparf and Hansen v. United States*, *supra*, 156 U.S. at 101, wherein Justice Harlan noted that "[a]ny other rule . . . would bring confusion and uncertainty in the administration of the criminal law." Also see *United States v. Boardman*, *supra*, 419 F.2d at 116, implicitly questioning whether the Court was constituted to assess "the desirability, feasibility, and lineaments of such a new doctrine . . .".

Neither the opinion of Chief Judge Bazelon (concurring in part and dissenting in part) in *United States v. Dougherty, supra*, 473 F.2d at 1139-1144, nor Note, *Toward Principles of Jury Equity*, 83 Yale L.J. 1023 (April 1974), focuses upon these concerns. Neither assesses what impact, if any, such a practice would have on the deterrent effect of the criminal laws. The government respectfully submits that a charge such as that requested by the defendant would bring uncertainty to the criminal law by encouraging defendants to seek acquittal by playing upon the unpopularity of their victims. The government also respectfully submits that a fair analysis of the record indicates that this was, in fact, the defendant's defense strategy in the trial court.

The fact that the states of Georgia, Maryland and Indiana have constitutional provisions which permit criminal juries to determine both law and facts is hardly authority for the proposition that the refusal to give a jury nullification charge constitutes error in a federal criminal proceeding. "The States have always been given wide leeway in dividing responsibility between judge and jury in criminal cases." *Spencer v. Texas*, 385 U.S. 554, 560 (1966). Moreover, it should also be noted in passing that even the provision of the Indiana Constitution to which defendant refers has been interpreted as not requiring a trial court "to neutralize the effect of its instructions by telling the jury that they are at liberty to disregard them. . . ." *United States v. Moylan, supra*, 417 F.2d at 1007, n. 17.

The government respectfully submits that "lack of criminal intent," and not "nullification," was the articulated "linchpin" of the defense in the trial court (Tr. 36-37). The trial court fully and fairly instructed the jury as to issue of criminal intent. The defendant expressed no dissatisfaction with this aspect of the court's charge (Tr. 268). The court's refusal to give the charge requested by the defendant was completely proper.

II.

The trial court did not err in instructing the jury that they were duty bound to apply the law as stated in the court's instructions, to the facts as the jury found them.

Defendant maintains that the trial court improperly influenced the jury's deliberations, and thereby deprived him of a fair trial, by instructing the jury that it was duty bound to base its verdict on the legal principles stated in the court's charge. The government respectfully submits that the court's charge was entirely proper.

Taken in context, the trial court charged as follows:

"Although you, as jurors, are the sole judges of the facts, you are duty bound to follow the law as stated in the instructions of the Court, and to apply the law so given to the facts as you find them, from the evidence which is before you.

You are not to single out one instruction of the Court alone as stating the law, but you must consider the instructions as a whole. Neither are you to be concerned with the wisdom of any rule of law. Regardless of any opinion you may have as to what you think the law ought to be, it would be a violation of your sworn duty to base a verdict upon any other view of the law than that given in the instructions of the Court" (Tr. 243-244).

This instruction is in complete accord with *Sparf and Hansen v. United States*, 156 U.S. 51 (1895), wherein the Court stated:

"We must hold firmly to the doctrine that in the Courts of the United States it is the duty of juries

in criminal cases to take the law from the court and apply that law to the facts as they find them to be from the evidence." *Id.* at 102.

Skidmore v. Baltimore & O.R. Co., 167 F.2d 54, 57, n. 9 (2d Cir.), cert. denied, 335 U.S. 816 (1948), recognizes that *Sparf and Hansen* is the "decisive opinion as to current federal practice."

By no stretch of the imagination can the instruction given by the trial court be equated with the submission to the jury of a series of special questions, as was done in *United States v. Spock*, 416 F.2d 165 (1st Cir. 1969). Nor can the trial court's charge be fairly viewed as an attempt to "catechize" the jury. *United States v. Boardman*, 419 F.2d 110, 116 (1st Cir. 1969), cert. denied, 397 U.S. 991 (1970).

CONCLUSION

The government respectfully submits that the trial court's charge to the jury was proper in all respects and that the defendant's conviction should be sustained.

Respectfully submitted,

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HAROLD J. PICKERSTEIN

*Assistant United States Attorney
for the District of Connecticut*

APPENDIX

a-1

Government Exhibit #2

This letter is written for one objective. In exchange for \$150,000.00 you, the chairman of U.A.C., pres., and family's will not be marked for retaliation as will all of legal counselors and their familys. Mark this well!!

You will place in the New Haven Register, the following: Achilles O.K. Call at this number ----- (which you will supply) /no later than Friday April. 6 under personal column.

If we do not hear the above response and you have chosen to ignore, then we have *no alternatives left!*

Government Exhibit #4

Mr. Baldwin,

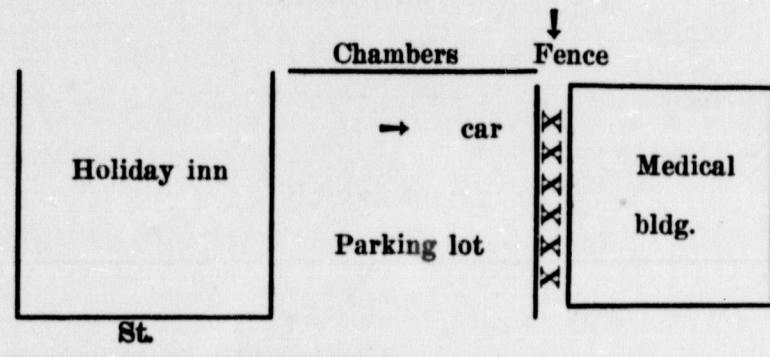
Telephones are bugged !! Naughty of you!!! I don't want the f(ed)s. S(es) or any law enforcement agency involved.

You will follow these instructions to the letter. place \$150,000 in 10's & 20's in plain canvas bag. by yourself . . . rent a drive-a-car in Hartford. drive Merrit parkway, head toward N.Y., in Fairfield. just beyond Sport hill rd. exit there is a gas station pull in, park in stall, go to first phone to left. at 8:00 P:M tuesday April 10. I will call you there with further instructions. *be alone don't have car, bag or money bugged.* please follow these instructions, if it is met exactly you will never hear from me again. Do not be alarmed Mr. Baldwin, but no tricks please

Achilles

Government Exhibit #6**Mr. Baldwin**

Twice you have tried to trick me! This is the last chance!!! The last out!!! On Sat. April 14—10:00 A.M. Bridgeport Holiday inn. At right rear there is a fence adjoining medical building property *Mr. Chambers* will take bag out and put in front of fence, in back of his car that will be parked there. Courier picking up bag has no knowledge of anything. NO tricks—No Surveillance trucks in area like last time.



at 10:00 A.M. he will get out and leave bag, then get in car and drive off. if he cannot get last park place he will put it in back of last car on right.

Government Exhibit #8

Dear Baldwin,

Incredibly stupid on your part with all those surveillance-gooks around This will be the last—*absolutely last warning!!!* Because Achilles if caught has enough evidence on U.A.C. and one division to make things very hot for them for a long time. Achilles would welcome getting caught just for mortification of U.A.C. and public scorn for U.A.C.!! we will go back to original plan at Sport hill gas station on Merritt parkway. this time no tricks!! April nineteen Thursday at 8:30 P:M you will now add \$50,000 to the original am't asked total \$200,000 in 5-10-20's unnumbered—not in sequence—undyde and wait for call from Achilles at first phone booth on left. /you will place ad in personal in new haven register. April 18 as follows—Achilles O.K. will meet . . all is satisfactory.
if not—do not answer and expect worse

Achilles

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United States Court of Appeals
FOR THE SECOND CIRCUIT

No. 74-1305

UNITED STATES OF AMERICA
Appellee

v.

SOGAARD NORMAN STRANDHOLT
Appellant

AFFIDAVIT OF SERVICE BY MAIL

Albert Sensale, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 914 Brooklyn Ave
Brooklyn, N.Y.

That on the 30th day of May, 1974, deponent served the within Brief for the Appellee upon Thomas J. Clifford, Esq.
Federal Public Defender
770 Chapel Street, New Haven, Connecticut 06510

Attorney(s) for the Appellant in the action, the address designated by said attorney(s) for the purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in a post office official depository under the exclusive care and custody of the United States Post Office department within the State of New York.

Albert Sensale

Sworn to before me,

This 30th day of May 1974

William A. McKaigney

WILLIAM A. MCKAIGNEY
Notary Public, State of New York
No. 41-7846700
Qualified in Queens County
Certificate filed in Kings County
Commission Expires March 30, 1976